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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/687,090

10/17/2003

Normand Coulombe

9098

7590

06/04/2004

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CANADA

EXAMINER

GUADALUPE, YARITZA

ART UNIT

PAPER NUMBER

2859

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/687,090	Applicant(s) COULOMBE, NORMAND	
	Examiner Yaritza Guadalupe	Art Unit 2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1 – 2 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The indicia or graduations on the is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

Claim 1 recites in the preamble “A device being fixed to an inspection camera for measuring the internal diameter of a pipe, said device comprising a tape...”. Also, from the Figures, it is understood that the tape includes graduation indicia along its length. As well understood, the camera will read the graduation indicia once the tape has been extended within said pipe, and the reading from the camera will indicate the internal diameter of the pipe. However, the specification and the claim language fails to include any graduation indicia as part of the tape, and therefore, the device will fail to measure the internal diameter of the pipe as recited in the preamble.

Claim 2 is rejected due to its dependency on claim 1.

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3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 – 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 refers to a device having “ a multitude of pieces mounted to the flat elongated body for fastening the inspection camera ”. This limitation is indefinite since it is not clear what is applicant intending to claim. This limitation fails to limit the scope of the invention by not clearly defining the meets and bounds of the desired elements for fastening the camera. Applicant should redefine this limitation by rewording the claim so as to refer to fastening means such as mechanical fasteners, adhesives etc. that will clearly defined the means for fastening the camera that are within the scope of the invention.

Claim 2 is rejected due to its dependency on claim 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 – 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riordan (US 5,355,128) in view of Iwase (US 4,181,848).

Riordan discloses a system having an optical device being including an inspection camera (26) for inspecting a bore, said system comprising a tape / cable (16) mounted into a flat elongated body (12) having holes enabling to a string / legs (30) to be pulled out of the flat elongated body, the flat elongated body includes at one end a tongue (25) having hole in which is connected the other end of said tape / cable, an extension body (28) being connected to one end of said elongated body, a multitude of pieces (See Figures 3 and 4) mounted to said flat elongated body for fastening the inspection camera, and a metal part, i.e., housing, disposed between said elongated body and a wire of the inspection camera for holding the device in bottom of the pipe by means of gravity.

Riordan fails to teach said inspection camera measuring the internal diameter of the bore.

Iwase discloses an apparatus for measuring a scale comprising a tape (12) including graduation indicia, a sensor (24) for reading said graduation indicia once it has been extended, a controller (32) and a display (22). The apparatus disclosed by Iwase teaches the use of a scale and sensor for measuring and calculating measurement data, storing said data and display the

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values obtained. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to replace the tape disclosed by Riordan with a graduation tape and sensor as taught by Iwase in order to allow bore internal properties measurements such as depth of the bore and fluid levels since these values are critical for preventing damage to the equipment being utilized.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are considered of relevance to the present application :

- a. McGrew (US 2002/0166396)
- b. Wakabayashi et al. (US 5,727,327)
- c. Takahashi (US 5,581,901)
- d. Lord et al. (US 4,281,929)
- e. Meltzer (US 6,580,449)

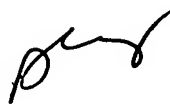
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yaritza Guadalupe whose telephone number is (571)272 -2244.

The examiner can normally be reached on 9:00 AM - 6:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yaritza Guadalupe
Patent Examiner
Art Unit 2859
May 29, 2004

DIEGO F.F. GUTIERREZ
SUPERVISOR PATENT EXAMINER
TECHNOLOGY CENTER 2800